

**Zoning Board of Appeals
Regular Meeting
July 9, 2013**

The Stonington Zoning Board of Appeals meeting held at the Stonington Police Station Meeting Room, 173 So. Broad St., Pawcatuck, was called to order at 7:10 p.m. by Chairman David Rathbun. Members in attendance were David Rathbun, Jack Guyol, David Rezendes, Matthew Berger and Virginia McCormack. Lynn Conway, Neil Canavan and Frederick Deichmann were absent. Mrs. McCormack was seated for Ms. Conway. Zoning Official Candace Palmer was also present.

Old Business:

PZ1305RA Town of Stonington (PZC) – Regulation Amendment to give the Zoning Board of Appeals the authority to review the adequacy of variance applications that come before them, thus allowing the ZBA to waive the requirement for an A-2 survey rather than the Planning & Zoning Commission. APPROVED by PZC 6/4/2013.

The Board decided they want to set a policy and discuss this at a later date.

ZBA #13-05 Julie Olson & Neil Orkney – Seeking a variance from ZR 3.1.4.2 buffer requirements in an RC-120 zone to waive the 100' non-infringement area requirement to allow for the creation of a stone wall to prevent or diminish erosion of the land caused by boat wakes. Property located at 159-161 River Rd., Pawcatuck. Assessor's Map 6 Block 4 Lot 20. Zone RC-120.

The public hearing was rescheduled for August 13, 2013.

New Business:

ZBA #13-08 RoxRiv Realty LLC – Seeking a variance from ZR 7.12.7.2.1 detached signs to allow an additional free standing. Property located at 12 Coogan Blvd., Mystic. Assessor's Map 164 Block 4 Lot 1. Zone TC-80.

Mr. Rezendes motioned to schedule the public hearing for 8/13/2013. Mrs. McCormack seconded the motion and it was unanimously approved.

Review of meeting minutes: Mr. Berger moved to approve the March 12, 2013 minutes. Mr. Rezendes seconded. The minutes were unanimously approved.

Meeting recessed at 7:23 p.m. and reconvened at 7:26 p.m. to begin the public hearings.

Public Hearings:

Mr. Rathbun read the procedures for obtaining a variance and definition of a hardship. Mr. Rezendes read the call for the public hearings.

ZBA #13-06 Stephen & Jill Plant - Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 40' to 30' 6" for an addition. Property located at 202 So. Anguilla Rd., Pawcatuck. Assessor's Map 48 Block 2 Lot 13 Zone RR-80 (RA-40 applies).

Mrs. Palmer shared a memorandum regarding the zoning information for this parcel. The application file was presented as Exhibit #1.

Architect Peter Springsteel, representing the client, submitted three photos of the home for the record as Exhibit #2. He shared the site plan to highlight the hardship of the sloping property. Mr. Springsteel submitted two GIS maps of several neighboring properties as Exhibit #3. The topographical map of the parcels indicated that existing non-conformities are due to the steep slope, noting that the situation isn't unique to this neighborhood but is unique to the RR-80 zone.

There was no one speaking in favor, in opposition or with general comments.

Mr. Guyol moved to approve the variance. Mrs. McCormack seconded. After a brief discussion, the commission voted all in favor for the variance, due to a topographical hardship.

ZBA 13-07 Judith Landers – Seeking a variance from ZR 5.1.1 bulk requirements to reduce the front yard setback from 20' to 7' for reconstruction of a single family residence. Property located at 5 Boulder Ave., Stonington. Assessor's Map 129 Block 11 Lot 2 Zone RM-20 (RH-10 applies.)

Mrs. Palmer summarized the zoning information regarding this application. The application was submitted as Exhibit #1.

Judith Landers spoke to this pre-existing legal non-conforming lot. The existing home is 577 sq. ft. on the first floor with a 192 sq. ft. porch. The new home will be a total of 1,884 sq. ft. total. The garage will be a total of 400 sq. ft. The applicant stated they are reducing the non-conforming amount by moving the home further back from the road.

Speaking in favor: Robert Taber, neighbor, stated he supports the enhancements and improvements to this property.

There was no one speaking in opposition or with general comments.

Mr. Rezendes moved to approve the application. Mr. Guyol seconded. After a discussion, the motion was rescinded. Mr. Rezendes motioned to approve the variance with a stipulation that the second floor of the structure can not infringe into the 20-foot setback from the property line. Mr. Guyol seconded the motion and the motion was passed unanimously.

Discussion with Attorney Tom Londregan re: Modifying Kleinknecht conservation easement. Town Attorney, Jeff Londregan, was present for this discussion and provided a history of the case and court rulings. Attorney Casey, representing the Kleinknechts, spoke regarding this parcel of land. He stated that, in 1991 it was decided by the courts that this lot could be built upon, noting that the Zoning Board of Appeals had approved this application in 2010.

After a brief discussion, the Board stated that they already discussed and ruled on this application. They did not feel they needed to revisit the building and zoning issues related to this parcel.

Adjournment: Mr. Berger motioned to adjourn the meeting. Mr. Rezendes seconded the motion and it was unanimously approved. The meeting adjourned at 8:25 p.m.



Lynn Conway, Secretary